

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

DIANNA MACDONALD)		
Plaintiff,)		
)		
v.)	Case No.	FILED: APRIL 11, 2008
)		08CV2086 JH
CONTINENTAL AIRLINES, INC.)		JUDGE LEINENWEBER
Defendant.)		MAGISTRATE JUDGE BROWN

COMPLAINT AT LAW

The Plaintiff, DIANNA MACDONALD, complaining against the Defendant CONTINENTAL AIRLINES, states as follows:

1. This is an action brought pursuant to the CONVENTION FOR THE UNIFICATION OF CERTAIN RULES FOR INTERNATIONAL CARRIAGE BY AIR ("Montreal Convention"), by a passenger on a Continental Airlines Flight in international carriage from New Jersey to London, England who alleges that she sustained accidental personal injury while boarding said flight. Jurisdiction of this cause is proper pursuant to *28 USC §1331 and § 1337* this being a question arising out of Federal Law under a treaty of the United States.

2. On and prior to May 23, 2006, the Defendant, CONTINENTAL AIRLINES, INC., (hereinafter referred to as "CONTINENTAL"), was in the business of owning, operating, and maintaining a fleet of passenger airplanes which it used to transport passengers for hire both domestically and internationally.

3. At all times relevant hereto, the Plaintiff, DIANNA MACDONALD, was a citizen and resident of the State of Illinois.

4. On May 23, 2006, the Plaintiff, DIANNA MACDONALD, was ticketed with a round trip passenger ticket on Continental Airlines flight 3232 departing from St. Louis Lambert International Airport to Newark Airport connecting with Continental Airlines flight 28 to

Gatwick Airport, London, England with return flights on June 8, 2006 from Charles De Gaulle Airport, Paris, France on Continental Airlines flight 55 to Newark, New Jersey with a connecting Continental Airlines flight to Lambert International Airport, St. Louis, Missouri.

5. On May 23, 2006, Continental Airlines flight 3232 was late in arriving at Newark Airport due to flight delays and therefore the Plaintiff, DIANNA MACDONALD, arrived at the gate for Continental Airlines flight 28 as it was in its final boarding process.

6. At said time and place, the Plaintiff, DIANNA MACDONALD, was stepping from the jet way onto the plane when she was caused to step into a gap between the jet way and the plane door causing her to momentarily lose her balance, trip and twist her left knee.

7. The Plaintiff, DIANNA MACDONALD, then hobbled into the plane and observed that her knee began to swell and ache.

8. Article 17/ "Death and Injury of Passengers-Damage to Baggage", of the Montreal Convention states in pertinent part:

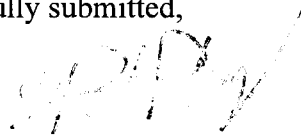
"The carrier is liable for damage sustained in case of death or bodily injury of a passenger upon condition only that the accident which caused the death or injury took place on board the aircraft or in the course of any of the operations of embarking and disembarking."

9. As a direct and proximate result and in consequence of the Plaintiff, DIANNA MACDONALD, tripping and twisting her left knee as she boarded the plane from the jet way she was caused to suffer severe and permanent injuries including a tear to her left lateral and medial meniscus which required her to undergo hospitalization and surgery; and as a result thereof she has been and will be hindered from attending to her affairs and duties and from pursuing her usual occupation, and she has been and will be deprived of large earnings and profits which she otherwise would have realized and she has incurred and will in the future

continue to become liable for large sums of money for the care and treatment of her said injuries and she has suffered and with reasonable certainty will continue to suffer great pain and discomfort as a result of her said injuries.

WHEREFORE, the Plaintiff, DIANNA MACDONALD, asks for judgment against the Defendant, CONTINENTAL AIRLINES, in an amount in excess of Seventy-five Thousand Dollars (\$75,000.00) plus costs of suit herein.

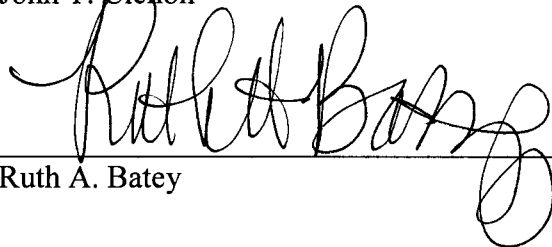
Respectfully submitted,



I. Peter Polansky



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